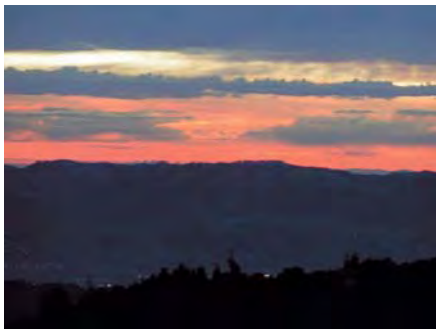
TRAILS STUDY

3. TRAILS STUDY

3.1 GOALS AND POLICIES



Morgan Hill's vision for the future, as stated in the General Plan from August 2005, includes developing "an extensive network of trails and parks along local creeks, connecting open spaces and recreation facilities (joint-use park and flood control agreements)."

The Trails and Natural Resources Study depicts the long-range recommendations for an overall trail system. Goals and policies direct the overall program of the plan. The following goals, policies and actions are taken directly from the General Plan and were used to create this document. Goals are very broad, often immeasurable statements of purpose while policies or actions are specific statements guiding action and implying clear commitment.

GENERAL PLAN - COMMUNITY DEVELOPMENT GOALS & POLICIES

Goal 8 Distinct, well-designed residential neighborhoods
Action 8.4 Use existing and planned drainage/flood control and linear park system elements, as well as other publicly owned or restricted land, to connect residential neighborhoods.

Goal 18. Useful, accessible and high-quality park, recreation and trail facilities and programs.

Policy 18k. Encourage the development of trails along creeks and drainage channels, connecting parks, regional trails, schools, library, and other community facilities.

Policy 18l. Coordinate trails, parks, and recreation facilities with a citywide bikeways system to include bicycle paths, lanes and routes.

Policy 18u. Trails and linear parkways along creeks and drainage ways shall be coordinated with development to ensure protection and restoration of natural resources.

Action 18.1 Actively pursue acquisition of appropriate parkland for recommended parks, trails and facilities, and to meet existing and future recreation needs.

Action 18.2 Encourage partnerships with other agencies and organizations, including the Morgan Hill Unified School District (MHUSD) and other schools, Santa Clara Valley Water District,

and the Santa Clara County Parks and Recreation Department, to acquire and develop parks and recreation facilities.
Action 18.5 Work in partnership with the Santa Clara Valley Water District to establish easements and develop trails and linear parks along creeks and drainage channels.

Action 18.6 Work in partnership with the Santa Clara County Parks and Recreation Department to enhance appropriate community use of County parkland adjacent to or within the City.

Goal 19. Coordinated urban and school development
Policy 19d. Encourage the upgrading of elementary school facilities to serve as the focal point of each neighborhood's social, cultural, vocational and recreational, as well as educational, activities.

Policy 19i. Where appropriate, promote the concept of the neighborhood school, which provides education to the children in the neighborhood and serves as a resource facility to the residents.

Policy 19j. Coordinate community development and school development to optimize educational goals and enhance the school's role as a community resource.

GENERAL PLAN CIRCULATION - GOALS & POLICIES

Goal 1: A balanced, safe and efficient circulation system for all segments of the community
Policy 1c. Provide a balanced transportation system which assures access to all, and which integrates all appropriate modes of transportation into an effectively functioning system, including such modes as auto, ride sharing, public transit, bicycling and walking.

Goal 7: A useable and comprehensive bikeway system that safely connects neighborhoods with workplaces and community destinations.
Policy 7f. All multi-use bicycle/pedestrian trails shall comply with State and Federal accessibility codes and standards, such as those established by the Americans with Disability Act (ADA) and California Access Code (Title 24, California Code of Regulation).

Goal 8: Expanded pedestrian opportunities.
Policy 8a. Ensure adequate pedestrian access in all developments, with special emphasis on pedestrian connections in the downtown area, in shopping areas and major work centers, including sidewalks in industrial areas.

Policy 8b. Promote walking as an alternate transportation mode for its contribution to health and the reduction of energy consumption and pollution.

Action 8.1 Identify areas where sidewalks should be installed.

GENERAL PLAN - OPEN SPACE CONSERVATION GOALS & POLICIES
Goal 1. Preservation of open space areas and natural features
Action 1.5 Continue City programs to: ... b) acquire and develop City and neighborhood parks, providing just compensation for the taking of private lands; c) implement portions of trail systems and streamside park chains within their boundaries; ...

3.2 DESCRIPTION OF THE TRAILS STUDY

The Trails Study describes potential pedestrian routes including off street and on-street connections. Off-street trails include creek trails, open space trails and park trails. On-street connecting routes provide connections where off-street trails are not possible. The plan includes staging areas which provide access and parking for the system.

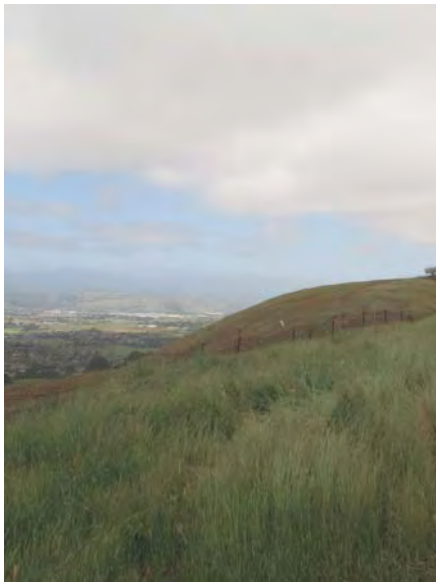
The trails are shown in the preferred locations, on the preferred sides of creeks or roads. The preferred trails are based on existing conditions at the time the plan was developed. Factors considered when preparing this include the physical conditions of the site, the ease of construction, and minimal conflicts with land use and land ownership. The General Plan, updated in August 2005 foresees preserving the scenic hillsides that surround the city. The open space trails are in the undeveloped hills in and around Morgan Hill, providing access to the open grassy ridges with panoramic views. The open space trails will also provide access from Morgan Hill to nearby parks and existing trails, such as Coyote Creek County Park. Currently, trail access through these open spaces is poor or non-existent and mostly informal social trails. New open space trails would provide Morgan Hill residents with direct access.

Creek trails follow portions of the major creeks providing access to the unique creekside environments. Creek trails offer a quiet alternative to the busy streets and recreation trails. Due to the expense of building bridges, creek crossings shown in the trails plan are minimized.

Future changes in land use or development can change these factors or create new opportunities that did not exist when this plan was developed. Therefore, when considering a future implementation project, the preferred trail location should be evaluated again.

The following section describes the major trails identified in the city. Not all connections and trails are described.

3.3 DESCRIPTION OF SPECIFIC SEGMENTS



The following trails are considered the Major Corridor Trails within the City of Morgan Hill. Not all trails are described in this section, only these few. Refer to the trails maps at the end of the document for their locations, and the trail guidelines for construction and design information. Many of these trails require cooperation between the Santa Clara Valley Water District, The County of Santa Clara, and private residents, as the trail alignments run through property owned by all three.

COYOTE CREEK TRAIL - PROPOSED CONNECTION TO ANDERSON RESERVOIR AND EASTERN HILLS

The Coyote Creek Trail is a regional trail ending in the north eastern corner of Morgan Hill, not far from Anderson Reservoir. Continuing the trail along the creek, to the base of the dam, and then up through the hills above the dam will provide access to County-owned open space above the dam. It will allow the residents of these neighborhoods to connect quickly to the Coyote Creek Trail for recreation and transportation purposes, as well as provide an alternative route down the hills to the valley. The landscape of these hills is a beautiful resource in Morgan Hill, offering native vegetation and habitat for sighting wildlife and great vistas across the valleys and to the reservoir.

WESTERN EDGE: EL TORO TRAIL (LLAGAS ROAD SOUTH THROUGH EL TORO TO SILVIERA PARK)

The proposed El Toro Trail provides the main western edge trail in Morgan Hill. Starting at Llagas Road, the trail varies between sidewalk connection trails to unpaved and improved trails as it winds itself south to proposed Silviera Park at the southern edge of the city. While this trail runs North to South, it connects to many east-west trails, connecting to downtown and alternative transportation routes. The unpaved section through the El Toro open space area will run along the utility easements.

MADRONE CHANNEL TRAIL

Along Highway 101, the Santa Clara Valley Water District operates a water recharge channel. The tops of the levees that border this channel could easily be adapted to a major improved trail route in Morgan Hill. The channel provides habitat for many water fowl and visitors could use it as a major North-South connection. It is identified on the Countywide Trail Map as an important connection off of the Coyote Creek Trail, and part of the Juan Bautista de Anza National Historic Trail's Northern Recreation Retracement Route (R1-A on the Countywide Trails Master Plan).

EAST - WEST CONNECTIONS: DUNNE AVENUE, MAIN STREET, COCHRANE ROAD

While the City of Morgan Hill has many important North-South Trail Connections, the East-West Connections are the ones that will provide the best options for alternative transportation from the outlying neighborhoods to downtown. Most of these trails are actually sidewalk trail connections that cross Highway 101 and link major public facilities in the city. Dunne Avenue, Main Street, and Cochrane Road have been identified as the most important cross-city connections. They link neighborhoods on both sides of the city, pass over the highway, and connect to many attractions throughout the city. Furthermore, they all connect into or cross the important north-south trails.

WEST LITTLE LLAGAS CREEK TRAIL

This trail is a major opportunity to connect the southern neighborhoods of Morgan Hill to the city center. It connects Silviera Park at the southern border to Paradise Park and Paradise Elementary School. From Paradise Park, a trail user can continue north on the Wildlife Sculpture Trail or other city trails that connect to downtown.

TRAIL CONNECTIONS TO THE CITY CENTER

On-Street Connections take citizens of Morgan Hill from their neighborhoods to the downtown area. Locating routes to downtown is one way to continue the revitalization of the city center by allowing citizens to travel their by foot or bicycle.

3.4 ENVIRONMENTAL PROTECTION

This section describes the habitats, special-status species, and jurisdictional areas that are likely to be encountered along the proposed trail alignments. In addition, this section also briefly describes impact avoidance and mitigation measures.

HABITAT TYPES

Non-native Grassland. Non-native grassland typically includes pasture grasses and weedy, non-native forbs. Typical grass species may include ripgut brome (*Bromus diandrus*), soft chess (*Bromus hordeaceus*), wild oats (*Avena fatua*), Italian ryegrass (*Lolium multiflorum*) and Mediterranean barley (*Hordeum marinum*). Local grasslands often provide habitats for small mammals, snakes, and birds of prey. Non-native grassland is regionally abundant and impacts to this habitat type are typically not significant and require no mitigation.

Oak Woodlands. Oak woodland habitat is typically characterized by dominant plant species such as valley oak (*Quercus lobata*), blue oak (*Quercus douglasii*), coast live oak (*Quercus agrifolia*), and interior live oak (*Quercus wislizenii*). Oak woodlands provide foraging and nesting opportunities for a variety of wildlife species including mammals, birds, squirrels, deer, reptiles and amphibians. Wherever possible, trails should avoid direct impacts to oak woodlands. A qualified botanist or arborist should perform tree surveys in any proposed trail segments where impacts to oak woodland habitat are anticipated. Mitigation for impacts to oak woodland habitat would include in-kind revegetation at a ratio to be determined by a qualified biologist. Mitigation will be based on in-kind replacement of impacted habitat with habitat of equal or better biotic value. Native local plant materials will be utilized in all mitigation work.

Serpentine Grassland. Serpentine soils are known to exist in the vicinity of the proposed project area. Serpentine soils are typically shallow, nutrient-poor soils that limit the colonization by many plant species. This habitat supports a limited and highly specialized plant association, including dwarf plantain (*Plantago erecta*) which is the host plant for the Bay checkerspot butterfly a federally listed species), which is often restricted solely to these soils. These soils are often vegetated by special-status plant species that are endemic to local serpentine soils. This habitat type is very sensitive and trails through serpentine grassland should be avoided.

Riparian. Riparian habitat occurs in bands adjacent to active creek and river channels. The extent of the riverine ecosystem depends on flood frequency and intensity, as well as the level of existing encroachment from previous development or agricultural activities. Riparian areas are important wildlife corridors and provide crucial habitat for birds, amphibians and reptiles, and direct impacts or lengthy areas of encroachment

by trails should be avoided. Trail crossings of freshwater streams and drainages shall be designed to minimize disturbance, with bridges and/or culverts at these crossings designed to avoid or minimize environmental impacts. Setback areas between trails and streams and riparian corridors are recommended. Mitigation for direct impacts to riparian areas, or encroachment into designated setback areas, would likely consist of in-kind revegetation at a ratio to be determined by a qualified biologist. Riparian habitat impacts will typically be mitigated at a 3:1 (mitigation:impact) ratio on an acreage basis for high quality habitat areas, and lower ratios will be used it is justified by lower habitat quality habitat in the impact area. Mitigation will be based on in-kind replacement of impacted habitat with habitat of equal or better biotic value. Native local plant materials will be utilized in all mitigation work.

Wetlands. Wetlands are areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support a prevalence of vegetation typically adapted for life in saturated soil conditions. Where possible, trails should avoid wetlands, including seasonal wetlands. A qualified wetland biologist will conduct surveys of all trail alignments in areas with potential wetlands. Trails adjacent to wetland areas will be constructed so that fill for trial alignments will avoid wetland impacts. Formal wetland delineations will be required along any trail segments that may impact wetlands. Wetland habitat impacts will typically be mitigated at a 2:1 ratio and will be based on in-kind replacement of impacted areas with habitat of equal or better biotic value.

REGULATORY SETTING

Federal Endangered Species Act. The federal Endangered Species Act (FESA) protects listed wildlife species from harm or "take" which is broadly defined as to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, collect, or attempt to engage in any such conduct. Take can also include habitat modification or degradation that directly results in death or injury to a listed wildlife species. An activity can be defined as "take" even if it is unintentional or accidental. Listed plant species are provided less protection than listed wildlife species. Listed plant species are legally protected from take under Section 7 of the FESA if they occur on federal lands or if the project requires a federal action, such as a Section 404 fill permit.

The U.S. Fish and Wildlife Service (USFWS) has jurisdiction over federally listed threatened and endangered species under the FESA. The USFWS also maintains lists of proposed and candidate species. Species on these lists are not legally protected under the FESA, but may become listed in the near future and are often included in their review of a project.

Santa Clara Habitat Conservation Plan/Natural Communities Conservation Plan. The City of San Jose, County of Santa

Clara, Santa Clara Valley Transportation Authority, Santa Clara Valley Water District, City of Gilroy, and City of Morgan Hill have initiated a collaborative process to prepare and manage a Habitat Conservation Plan/Natural Communities Conservation Plan (HCP/NCCP). The Draft Santa Clara HCP/NCCP is being developed so that local agencies will have a mechanism to offset cumulative and indirect effects of large-scale development and infrastructure projects on federally listed species. Trail planning and development should be closely coordinated with the HCP/NCCP process for consistency.

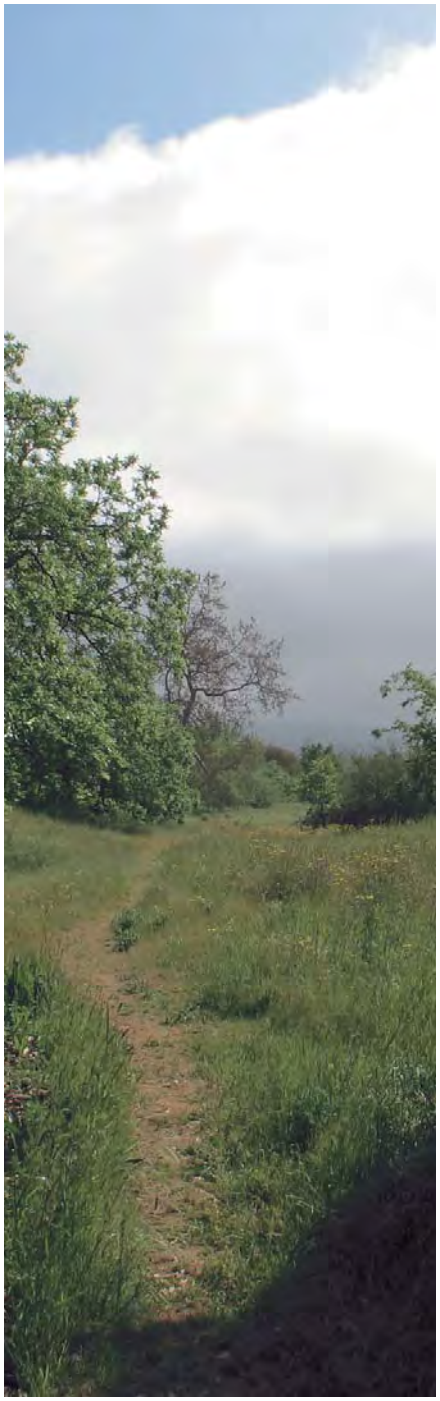
California Endangered Species Act. The California Endangered Species Act (CESA) prohibits the take of any plant or animal listed or proposed for listing as rare (plants only), threatened, or endangered. In accordance with the CESA, California Department of Fish and Game (CDFG) has jurisdiction over state-listed species (California Fish and Game Code 2070). Additionally, the CDFG maintains lists of "species of special concern" that are defined as species that appear to be vulnerable to extinction because of declining populations, limited ranges, and/or continuing threats.

California Environmental Quality Act. Section 15380(b) of the California Environmental Quality Act (CEQA) Guidelines provides that a species not listed on the federal or state lists of protected species may be considered rare or endangered if the species can be shown to meet certain specified criteria. These criteria have been modeled after the definitions in FESA and CESA and the section of the California Fish and Game Code dealing with rare or endangered plants or animals. This section was included in the guidelines primarily to deal with situations in which a public agency is reviewing a project that may have a significant effect on a species that has not yet been listed by either the USFWS or CDFG.

Clean Water Act. Under Section 404 of the Clean Water Act, the Corps is responsible for regulating the discharge of fill material into waters of the United States. Waters of the U.S. and their lateral limits are defined in 33 CFR Part 328.3 (a) and include streams that are tributary to navigable waters and their adjacent wetlands. Wetlands that are not adjacent to waters of the U.S. are termed "isolated wetlands" and, depending on the circumstances, may also be subject to Corps jurisdiction.

California Water Quality and Waterbody Regulatory Programs. Pursuant to Section 401 of the federal Clean Water Act, projects that are regulated by the Corps must obtain water quality certification from the RWQCB. This certification ensures that the Project will uphold state water quality standards. The RWQCB may impose mitigation requirements even if the Corps does not.

Streambed Alteration Agreement. The CDFG exerts jurisdiction over the bed and banks of rivers, lakes, and streams according to provisions of Section 1601 to 1603 of the Fish and Game Code.



The Fish and Game Code requires a Streambed Alteration Agreement for the fill or removal of material within the bed and banks of a watercourse or waterbody and for the removal of riparian vegetation.

City of Morgan Hill. New trail construction should be consistent with Morgan Hill Municipal Code requirements, specifically section 18.78.330.A and 18.78.330.B. These sections spell out standards and criteria to preserve open space, wildlife habitats, streams, creeks, and riparian habitats in a natural state. Included in the City of Morgan Hill Code are instructions for grading, road alignment, impervious surface restrictions, land cover restrictions designed to preserve environmental features. Chapter 8.80 in Morgan Hill Municipal Code (Disking Restrictions) also has specific language limiting disking when Burrowing Owls are present.

Santa Clara Valley Water District (SCVWD). The SCVWD defines a stream as a body of water that flows at least periodically or intermittently through a bed or channel having banks. This may include watercourses having a surface or subsurface flow that supports or has supported riparian vegetation, fish or other aquatic life. The top of bank contains the active channel, active floodplain, and their associated banks. Any trail construction or improvements should be consistent with guidelines as set forth in the Santa Clara Water Resources Protection Collaborative's Guidelines and Standards for Land Use Near Streams. Furthermore, any trail located within the SCVWD's fee title right of way requires a joint use agreement between the City and SCVWD.

The Migratory Bird Treaty Act. The federal Migratory Bird Treaty Act (MBTA; 16 U.S.C., §703, Supp. I, 1989) prohibits killing, possessing, or trading in migratory birds except in accordance with regulations prescribed by the Secretary of the Interior. This act encompasses whole birds, parts of birds, and bird nests and eggs. Construction disturbance during the breeding season could result in the incidental loss of fertile eggs or nestlings, or otherwise lead to nest abandonment, a violation of the MBTA.

California State Fish and Game Code. Migratory birds are also protected in California. The State Fish and Game Code §3503 emulates the MBTA and protects birds' nests and eggs from all forms of take.

Additional Regulations for Raptors. Raptors (e.g., eagles, hawks, and owls) and their nests are protected under both federal and state laws and regulations. In addition to the federal Migratory Bird Treaty Act and State Fish and Game Code §3503, birds of prey receive additional protections in California under Fish and Game Code §3503.5. In addition, the Golden Eagle (Aquila chrysaetos), along with the Bald Eagle (Haliaeetus leucocephalus), is federally protected under the Bald Eagle Protection Act (16 U.S.C. 668-668c).

Construction disturbance during the breeding season could result in the incidental loss of fertile eggs or nestlings, or otherwise lead

to nest abandonment. Surveys should be performed in areas where the potential exists for the incidental loss of fertile eggs or nestlings, or otherwise lead to the abandonment of nests. Potential compliance measures include avoiding construction during the nesting season, pre-construction surveys, inhibiting nesting, or the use of buffer zones.

The California Native Plant Society (CNPS), a non-governmental conservation organization, has developed lists of plant species of concern in California. Vascular plants included on these lists are defined as follows:

- List 1A Plants considered extinct.
- List 1B Plants rare, threatened, or endangered in California and elsewhere.
- List 2 Plants rare, threatened, or endangered in California but more common elsewhere.
- List 3 Plants about which more information is needed (review list).
- List 4 Plants of limited distribution-watch list.

Although the CNPS is not a regulatory agency and plants on these lists have no formal regulatory protection, plants appearing on List 1B or List 2 are, in general, considered to meet CEQA's Section 15380 criteria and adverse effects to these species may be considered significant.

SPECIAL STATUS SPECIES REQUIREMENTS

Special-status species are defined as plants and animals that are legally protected under ESA, CESA, or other regulations, and species that are considered sufficiently rare by the scientific community to qualify for such listing. Species-specific assessments should include focused surveys for the species listed below and trail segments should be designed to avoid or minimize impacts to these species. Mitigation measures for potential impacts to special status species will be site and species specific. Therefore, if potential impacts cannot be avoided, specific mitigation measures will need to be carefully developed to address the unique needs of each species.

Special-Status Plant Species. The special-status plant species that may be found in the vicinity of the proposed trail segments include: Hall's bush mallow (*Malacothamnus hallii*), smooth lessingia (*Lessingia micradenia var.glabrata*), Santa Clara Valley dudleya (*Dudleya setchellii*), most beautiful jewel-flower (*Streptanthus albidus ssp. peramoenus*), Metcalf canyon jewelflower (*S. a. ssp. albidus*), Tiburon paintbrush (*Castilleja affinis ssp. neglecta*), Coyote ceanothus (*Ceanothus ferrisiae*) Mt. Hamilton thistle (*Cirsium fontinale var. campylon*), San Francisco wallflower (*Erysimum franciscanum*), and serpentine bunchgrass communities. Known records of these species occur in the area west of Monterey Highway on the north end of Morgan Hill (Map 3), as well as in the vicinity of Anderson Lake. Reconnaissance level blooming period surveys will be performed by a qualified biologist to determine if these species are found within proposed trail segments. If present, focused habitat assessments to determine the nature and extent of potential project impacts to these species should be performed. Impacts to these species should be avoided.

Special-Status Wildlife Species. Several special-status wildlife species may be present in the vicinity of the proposed trail alignments including the California tiger salamander (*Ambystoma californiense*), California red-legged frog (*Rana aurora draytonii*), the Bay checkerspot butterfly (*Euphydryas editha bayensis*), Burrowing Owl (*Athene cunicularia*), San Francisco dusky-footed woodrat (*Neotoma fuscipes annectens*), Opler's longhorn moth (*Adela oplerella*), and Horn's micro-blind harvestman (*Microcina horni*).

Specific descriptions of the species most likely to occur in the vicinity of the project area are presented below. Reconnaissance level surveys to determine the presence of these species along individual trail segments should be performed by a qualified

wildlife biologist. If reconnaissance level surveys determine that these species are found within the project area, focused habitat assessments to determine the nature and extent of potential project impacts to these species should be performed.

California Tiger Salamander and California Red-legged Frog. Both the California tiger salamander and California red-legged frog are known to occur in aquatic habitats in the general project vicinity. For each trail segment, all potential breeding ponds within a 2-mile radius will be identified. If potential breeding ponds are identified, then focused habitat assessments to determine the nature and extent of potential project impacts to these species should be performed.

Bay Checkerspot Butterfly. The known range of the Bay checkerspot butterfly has been reduced to Santa Clara and San Mateo Counties where it is sparsely distributed (Federal Register 2000b). These populations occur on serpentine soils with substantial populations of dwarf plantain (Plantago erecta), the butterfly's host plant. Critical habitat for this species has been designated in the Morgan Hill area (e.g., Morgan Hill, Kirby, and Kalana Hills Critical Habitat Units) and should be avoided.

Burrowing Owl. Burrowing Owls have been recorded in southern Santa Clara and northern San Benito Counties. Surveys by a qualified ornithologist of suitable habitat within a proposed trail alignment, and immediately adjacent areas, according to the California Department of Fish and Game (CDFG) protocol are recommended during the peak of the breeding season (roughly 15 April-15 July) to determine whether the project would result in a loss of occupied Burrowing Owl nesting habitat.

Roosting Bats. The pallid bat (*Antrozous pallidus*, a state Species of Special Concern) and several other bat species are known to occur in the Morgan Hill area, and bridges such as those along Highway 101 frequently support roosting bats. Impacts to large bat roosts could be considered a significant impact. A qualified mammalogist should conduct surveys for bat roosts along the project alignment, focusing on bridges and overpasses but potentially including other buildings, large trees, and rocky outcroppings that contain cavities.

Steelhead. Steelhead (*Oncorhynchus mykiss*) is known to occur in Llagas Creek For trails crossing Llagas creek, a stream crossing assessment should be done in order to characterize use of the project sites by steelhead, and whether any life stages of this fish could be impacted by the project.